

July 3, 2013

West Des Moines City Council Proceedings
Wednesday, July 3, 2013

Mayor Steven K. Gaer opened the scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Wednesday, July 3, 2013 at 5:00 PM. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, and R. Trimble. Council member K. Trevillyan participated via telephone.

Jody Smith, Deputy City Manager/City Clerk, stated there are updates for items 6(a) Fire/EMS Station 17 Masonry and Windows and 6(b) 2013 HMA Resurfacing Program on the dais.

On Item 1. Agenda. It was moved by Trimble, second by Sandager to approve the agenda as presented.

Vote 13-262: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports: No reports.

On Item 4. Consent Agenda.

It was moved by Sandager, second by Mickelson to approve the consent agenda as presented.

- a. Approval of Minutes of June 24, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. 34's Sports Grill Valley West, LLC, d/b/a 34's Sports Grill, 1551 Valley West Drive, Suite 253 - Class LC Liquor License with Sunday Sales - Renewal
 - 2. Bambino's Restaurant, Inc. d/b/a Bambino's Restaurant, 2025 Grand Avenue - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License - Tuesday, July 23, 2013 - New
 - 3. Casey's Marketing Company, d/b/a Casey's General Store #2824, 6630 Mills Civic Parkway - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 4. Casey's Marketing Company, d/b/a Casey's General Store #2923, 1850 22nd Street - Class LE Liquor License with Carryout Wine, Carryout Beer, and Sunday Sales - Renewal
 - 5. Fordad, Inc., d/b/a Cattoor's on Grand, 1306 Grand Avenue - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
 - 6. The Cheesecake Factory Restaurants, Inc., d/b/a The Cheesecake Factory, 101 Jordan Creek Parkway #12550 - Class LC Liquor License with Sunday Sales and

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- Outdoor Service - Renewal
- 7. ARH, Inc., d/b/a El Rey Burritos, 1960 Grand Avenue, Suite 1921 - Class LC Liquor License with Sunday Sales - Renewal
- 8. Cookfly, Inc., d/b/a Jimmy's Big 10, 1238 8th Street - Class LC Liquor License with Sunday Sales and Outdoor Service - Renewal
- 9. Cookfly, Inc., d/b/a Jimmy's Big 10, 1238 8th Street - Temporary Expanded Outdoor Service Area to be added to Existing Class LC Liquor License - Tuesday, July 23, 2013 - New
- 10. King & I, Inc., d/b/a King & I Thai Cuisine, 1821 22nd Street, #103 - Class BW Permit with Sunday Sales - Renewal
- 11. Fast Mart 2, LLC, d/b/a Vine Stop, 2704 Vine Street - Class LE Liquor License with Native Wine and Sunday Sales - Renewal
- 12. Whole Foods Market Group, Inc. d/b/a Whole Foods Market, 4100 University Avenue - Class BW Permit with Carryout Wine, Sunday Sales and Outdoor Service - Renewal
- d. Approval of Appointments - Sister Cities Commission
- e. Approval of Lease Agreement - 217 Fifth Street
- f. Acceptance of Public Improvements - Lincoln Street Park Plat 3 - Sanitary Sewer
- g. Establish Public Hearing - Issuance of \$400,000 General Corporate Purpose General Obligation Bonds
- h. Direct Advertisement for Sale, Approval of Preliminary Offering Statement and Approval of Electronic Bidding - Issuance of \$4,495,000 General Obligation Bonds
- i. Approval and Acceptance of Hold Harmless Agreement - David and Denise Rairdin
- j. Approval of Professional Services Agreement - Public Works, Public Safety Station 19 and Fire Station 22 Mechanical System Improvements

Vote 13-263: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(a) Amendment to City Code - Title 2 (Boards and Commissions), Chapter 5 (Human Services Advisory Board), Section 3 (Membership) - Human Services Advisory Board Membership, initiated by the City of West Des Moines

It was moved by Trimble, second by Sandager to consider the second reading of the ordinance.

Vote 13-264: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Sandager to approve the second reading of the ordinance.

Vote 13-265: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes

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Motion carried.

It was moved by Trimble, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 13-266: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 5(b) Street Renaming - Park Drive (east of Grand Avenue) to Chow's Olympic Avenue, initiated by the City of West Des Moines

It was moved by Trimble, second by Sandager to consider the second reading of the ordinance.

Vote 13-267: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Sandager to approve the second reading of the ordinance.

Vote 13-268: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

It was moved by Trimble, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 13-269: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

Mayor Gaer inquired how soon the new street sign will be posted.

Bret Hodne, Public Works Director, responded it will probably be within a couple weeks but he will check with Public Works staff and report back to the Mayor and Council with a more specific answer.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Fire/EMS Station 17 Masonry and Windows, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 28, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated the only written communication received is the updated staff report on the dais.

Mayor Gaer asked if there were any public comments; hearing none he declared the public

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hearing closed.

It was moved by Trimble, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Motion to direct staff to prepare the paperwork to re-issue the project for public bid at a later date.

Council member Ohmart inquired if staff received any feedback from potential bidders on why they chose to not submit bids.

Linda Schemmel, Planner, responded the challenge reported by potential bidders is the difficulty in hiring a roofing subcontractor, because the wet spring and summer have delayed the projects they already have, so they can't take on any more 2013 work at this time.

Council member Mickelson inquired if the City can take any recourse with the previous contractors to address the building's issues.

City Attorney Scieszinski responded the statute of limitations has already passed for taking action against the previous contractors, but he stated staff will look into the possibility of taking action against a facility reviewing consultant from Minneapolis.

Vote 13-270: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated this was the time and place for a public hearing to consider 2013 HMA Resurfacing Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on June 28, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated the only written communication received is the updated staff report on the dais.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Des Moines Asphalt and Paving Co.

Vote 13-271: Mickelson, Ohmart, Sandager, Trevillyan, Trimble...5 yes
Motion carried.

On Item 7 - New Business: no items

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On Item 8(a) Lincoln Street Park, generally located at the 300 Block of Lincoln Street - Amend the Planned Unit Development to Modify Setback Standards for PUD Parcel A - City Initiated - Referred to Plan and Zoning Commission

On Item 9 - Other Matters

Mayor Gaer stated since this meeting has taken the place of the previously scheduled July 8th City Council meeting, the next meeting will be held on July 22nd.

The meeting was adjourned at 5:11 p.m.

Respectfully submitted,

Ryan T. Jacobson
Deputy City Clerk

ATTEST:

Steven K. Gaer, Mayor